

Message

From: Smith, Kristi [Smith.Kristi@epa.gov]
Sent: 8/7/2018 5:29:54 PM
To: ORC - Regional Air Managers [ORC-Regional_Air_Managers@epa.gov]; Air Division Directors and Deputies [Air_Division_Directors_and_Deputies@epa.gov]; Air Program Managers - Regions [Air_Program_Managers_Regions@epa.gov]; Ling, Michael [Ling.Michael@epa.gov]; Mathias, Scott [Mathias.Scott@epa.gov]
Subject: Fwd: NEW LITIGATION: ozone designations (State of Illinois and City of Chicago v. EPA, No. 18-1208 (DC Cir))
Attachments: 8.2.18 ELPC ENV_DEFENSE-#849710.pdf; ATT00001.htm; 8.2.18 Illinois ENV_DEFENSE-#849711.pdf; ATT00002.htm; 8.3.18 Sunland Park ENV_DEFENSE-#849763.pdf; ATT00003.htm; 8.1.18 Clean Wisconsin ENV_DEFENSE-#849762.pdf; ATT00004.htm; 8.2.18 Boulder County ENV_DEFENSE-#849760.pdf; ATT00005.htm; 8.3.18 Second Consolidation Order ENV_DEFENSE-#849761.PDF; ATT00006.htm

Below please see the information about the 5 petitions for review of the 2015 ozone designations we issued in April. At this point, we only know that these parties have filed suit; we won't know the specific challenges they are bringing until later in the process. Once we have more specific information, we'll coordinate with the appropriate Regional program and ORC offices.

Seth Buchsbaum will be the OGC lead attorney, with Jan Tierney mentoring/assisting him.

- Kristi

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Begin forwarded message:

From: "Buchsbaum, Seth" <buchsbaum.seth@epa.gov>
To: "OGC Immediate Office MGMT" <OGC_Immediate_Office_MGMT@epa.gov>, "OGC Immediate Office Support" <OGCFrontOfficeSupportStaff@epa.gov>
Cc: "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>, "Zenick, Elliott" <Zenick.Elliott@epa.gov>, "Smith, Kristi" <Smith.Kristi@epa.gov>, "Tierney, Jan" <tierney.jan@epa.gov>
Subject: NEW LITIGATION: ozone designations (State of Illinois and City of Chicago v. EPA, No. 18-1208 (DC Cir))

On August 1, 2, and 3, there were five petitions for review filed challenging EPA's ozone designations that published in the Federal Register on June 4 (attached). These five petitions were consolidated into a single case by the DC Circuit (consolidation order attached). None of them identify specific designations the parties intend to challenge. There may still be additional petitions filed in the case, but it is unlikely at this point.

- Clean Wisconsin, on August 1 (co-signed by Clean Air Task Force).
- Boulder County, the Center for Biological Diversity, and the National Parks Conservation Association, on August 2.
- Environmental Law and Policy Center and the Respiratory Health Association, on August 2.
- The State of Illinois and the City of Chicago, on August 2.
- The City of Sunland Park, New Mexico and Familias Unidas del Chamizal, on August 3.

Any potential petitions for review of the San Antonio ozone designation are due on September 21.
Please let me know if you have any questions.

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